

I thought when we were elected to the Senate, it was a question of priorities and choices. When I first came to the Senate, I heard this would be a great job if you didn't have to vote. I laughed when I first heard that. Now it is back. It is a great job if you don't have to vote. Now we are prohibited from voting and indicating our priorities on H-1B and the Latino and Immigrant Fairness Act. It is unfortunate that this is the case.

I am going to print in the RECORD a number of the letters that have been sent to me in support of these provisions. Some of the most moving ones have been from some of the religious organizations.

I want to be notified by the Chair when I have 10 minutes remaining.

I have a letter from the Lutheran Immigration and Refugee Service, one of the very best refugee services. I have followed their work over a long period of time. They are first rate. Here is what they wrote:

We understand and appreciate the needs of our country's high-tech industries and universities for highly skilled employees. We also feel, however, that legislation to benefit the most advanced sectors of our society should be balanced with relief for equally deserving immigrants who fled persecution and political strife, seek to remain with close family members or long worked equally hard in perhaps less glamorous jobs. A comprehensive bill would be a stronger bill vindicating both economic and humanitarian concerns.

They have it just about right.

I have another letter from the Jesuit Conference that says:

As you aim to make our immigration policy more consonant with U.S. reality, we ask you to recognize the present situation of thousands of immigrants from El Salvador, Guatemala, Honduras, and Haiti who fled political and economic turmoil in their countries years ago and are now living and working in the United States without permanent immigration status. Many of those immigrants have built families here and have strengthened the U.S. economy by providing services to the manufacturing industry with the essential low-wage workers they need. Congress has already acknowledged the need to ameliorate the harsh effects of the 1996 immigration law. In 1997, it passed the Nicaraguan Adjustment and Central American Relief Act that allowed Cubans and Nicaraguans to become permanent residents, but gave Salvadorans and Guatemalans limited opportunities to do so.

Haitians and Hondurans were completely excluded from the 1997 law. In 1997, Haitians were given hope for equal treatment and fairness by passage of the Haitian Relief Act, but the spirit of the legislation was ultimately thwarted by messy and slow law-making. It is time to remedy the unequal treatment received by Central Americans and Caribbeans once and for all.

The list goes on with group after group representing the great face of this nation pointing out the moral issues involved. Evidently they are not of sufficient and compelling nature that we are permitted to get a vote in the Senate. We are denied that opportunity, even though there is support from a long list of groups that understand the economic importance of this

to certain industries. But the moral reasons, the family reasons, the sense of justice which are underlined by members of the religious faith I find compelling.

I believe deeply that by failing to act, we are denying ourselves a great opportunity to remedy a great injustice.

HATE CRIMES

Mr. KENNEDY. Mr. President, last Friday night, an armed man walked into a gay bar in Roanoke, VA and opened fire wounding six gay men and killing another. According to news reports, the gunman asked for directions to the closest gay bar and confessed that he was shooting them because they were gay. This vicious shooting was clearly a crime motivated by hate. The victims were targeted solely because of their sexual orientation. The message of hate against the gay community was clear.

Hate crimes are a national disgrace. They are an attack on everything this country stands for. They send a poisonous message that some Americans are second class citizens because of their race, their ethnic background, their religion, their sexual orientation, their gender or their disability. We need to take a strong and unequivocal stand against these despicable crimes whenever and wherever they happen.

This Congress has a real opportunity to make a difference in the fight against hate-motivated violence. Two months ago, as an amendment to the Defense Authorization Bill, a strong bipartisan majority of the Senate voted in favor of hate crimes legislation that will close the loopholes in current law. I pay tribute to the Presiding Officer for his strong support of this endeavor. The House of Representatives has also demonstrated its strong bipartisan support for passing this important legislation on the defense bill.

Despite this unique opportunity, the Republican leadership in the Senate and the House continue to oppose including the hate crimes provisions in the conference report on the Defense Authorization Bill. By removing hate crimes legislation from the bill, the Republican leadership will send a disturbing message about its lack of commitment to equal protection of the law and to civil rights for all Americans.

I urge Majority Leader LOTT, Speaker HASTERT, and the conferees on the Defense Bill to do the right thing. Both the House and the Senate strongly favor action this year against hate crimes. Now is the time for the Congress to act by sending a clear and unmistakable signal to the American people that the federal government will do all it can to see that these despicable offenses are punished with the full force of the law.

Just last Friday night, one of the most horrendous and horrific kinds of crimes was committed by an armed man walking into a gay bar in Roa-

noke, VA. Interestingly, Virginia has hate crimes legislation, but it is not based upon sexual orientation. So that is a major opening in that law.

The legislation, which has passed in the Senate, would be able to address this issue. We should have the opportunity to vote on it. It was included in the defense authorization bill. It was strongly supported on the instructions by the House of Representatives. That conference is still open. I am a member of that conference. It is one of the last remaining items. It ought to be included. If we need a reminder of why it is important to pass this legislation, we have that tragic circumstance.

Mr. President, how much time do I have remaining?

THE PRESIDING OFFICER. The Senator has 1 minute 20 seconds.

Mr. KENNEDY. I thought I asked for a 10-minute warning.

THE PRESIDING OFFICER. That is 1 minute 20 seconds prior to the 10 minutes.

Mr. KENNEDY. I thank the Chair.

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. KENNEDY. Mr. President, I raise one other item of priority, and that is the failure to take action on the Elementary and Secondary Education Act.

If we don't take action, this will be the first time in 35 years where the Senate has failed to take action on the Elementary and Secondary Education Act. I, again, bring to the attention of our colleagues the commitment that was made by the majority leader going back to 1999.

On January 6, 1999, he said:

Education is going to be a central issue this year. . . . For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

On January 29, 1999:

But education is going to have a lot of attention, and it's not going to just be words. . . .

On June 22, 1999:

Education is number one on the agenda for Republicans in the Congress this year. . . .

On February 1, 2000:

We're going to work very hard on education. I have emphasized that every year I've been Majority Leader. . . . And Republicans are committed to doing that.

On February 3, 2000:

We must reauthorize the Elementary and Secondary Education Act. . . . Education will be a high priority in this Congress.

Here we are in May of 2000:

. . . I haven't scheduled a cloture vote. . . . But education is number one in the minds of the American people all across this country and every state, including my own state. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

THE PRESIDING OFFICER. The Senator now has 10 minutes.

Mr. KENNEDY. I thank the Chair.

I ask the Chair to let me know when I have 2 minutes remaining.

Final statement, July 25:

We will keep trying to find a way to get back to this legislation this year and get it completed.

We have not been able to do that. We have been unable to do it. The basic reason that we have been unable to do it is because those on this side wanted to offer a series of amendments—on smaller class size; well-trained teachers in every classroom in America; help and assistance in the construction of schools; in the modernization of schools; afterschool programs; assurance that we are going to have tough accountability; that we are also going to reduce the digital divide; and access for continuing education programs; but we also wanted to make sure that we were going to take the necessary steps to help make the schools safe and secure—and once that became evident, then there was a different mood around here. Then that bill was effectively pulled by the majority. We do not yield on the issue of making sure we do everything we possibly can to make sure that schools are going to be safe and secure.

I draw attention to the tragic situation today in the Carter Woodson Middle School in New Orleans, LA. Two teenage boys have been involved in another school shooting. Someone passed a gun in through a fence, and a young child used it. That child shot another child, and then he dropped the gun. Another child picked up the gun and shot the initial shooter. Both children are critically injured and in surgery. School has been canceled for 3 days.

We have pressing education issues to address. We have pressing needs to try to make our communities safer and more secure and to remove the opportunities for children to acquire the weapons of destruction that end up taking other children's lives. But we are denied that. As a result, we will not have the chance to reauthorize.

I say that because we heard from the majority leader that we are not going to take up education because we are not going to consider gun legislation, in spite of the fact that in 1994, our majority leader co-sponsored gun legislation that was proposed by a Republican Senator. They didn't complain then and say it was inappropriate or irrelevant at that time. It is relevant to make sure that schools are safe and secure.

I heard a great deal in the last few days about what is happening in the schools of this country. All of us understand that we have challenges that exist in our inner-city schools and many of our rural schools. We understand that. But I am kind of tired of people just tearing down the public school system. That has become rather fashionable. We have heard that in part of the national debate. I am just going to bring some matters to the attention of the Senate.

First are the number of students who are taking advanced math and science classes—this is from 1990 to 2000. On precalculus, the number of students

went from 31 to 44 percent; on calculus, from 19 percent to 24 percent; on physics from 44 percent to 49 percent—a very significant increase in the number of children who are taking more challenging courses in our high schools, according to the College Board.

On this chart we see the growth in the percent of students who are taking the scholastic aptitude tests. This went from 33 percent in 1980, to 40 percent in 1990, and up to 44 percent. The trend lines are moving up. It is not an enormous amount of progress from 40 percent to 44 percent, but nonetheless it is showing an enhancement of the total number of children who are taking those tests.

Here are the SAT math scores. They are the highest in 30 years. This is important because we have many more children taking them.

It is one thing that we have a small number of children taking the test, now we have expanded the number of children who are taking the test nationwide. And what do we see? The SAT math scores are the highest in 30 years. They have been moving up now consistently over the last few years. Actually, in the early years, in terms of minorities, the difference has actually diminished.

What we are saying is that there are some very important indicators that are going in the right way. I was quite interested in hearing the Governor of Texas talk about how our schools are in all kinds of trouble and how it happens to be the Vice President's fault. But meanwhile the States themselves have 93 cents out of every dollar to spend. They are the ones who have the prime responsibility to spend on education. So the question comes down to, if they are the ones who have the prime responsibility, is it fair enough to ask what these Governors have been doing over this period of time?

Federal participation has been targeted on the neediest children. They are the toughest ones to try and bring educational enhancement and academic achievement to; they are the ones who are targeted. Nonetheless, we see what has been enhanced. There have been some very notable kinds of improvements. I think the State of North Carolina, under Governor Hunt, has been one of the outstanding examples of total improvement in how they have been dealing with troubled schools—those schools that have been facing challenges. Instead of the proposal that is offered by Governor Bush in this particular instance, which would draw money from it and effectively close down that school, we find out how they are handling that with Governor Hunt in North Carolina. In North Carolina they send in teams to help restructure both the personnel and the curriculum. What is happening is major achievements and accomplishments.

Those are the kinds of ideas we ought to be embracing, the ones that have been tried and tested and have been effective.

I want to show, finally, where we are going over a long period of time in terms of enrollment. It will continue to rise over the next century. We are failing in this Congress to have a debate and a conclusion on the Elementary and Secondary Education Act. We had 6 days of discussion on the Elementary and Secondary Education Act; 2 days for debate only. Then we had eight votes—one vote was a voice vote; three were virtually unanimous. So we had four votes.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KENNEDY. We have not had the full debate and discussion of what American parents want. The fact is, projected over the next years, we are going to see virtually a doubling of the number of children, up to 94 million. The children in this country and the parents deserve a debate and discussion in the Senate on education. They have been denied that. For the first time in the history of the Elementary and Secondary Education Act, the Senate has failed to meet its commitment in this area.

I regret that, Mr. President. I wish we were debating that instead of having long quorum calls or lengthy speeches on the floor of the Senate.

I retain the remainder of my time under cloture.

The PRESIDING OFFICER. The Senator from Texas.

H-1B VISAS

Mr. GRAMM. Mr. President, I am tempted to jump into the debate about education. The problem is not people taking courses. It is learning something from the courses you are taking.

I remind my colleagues that the SAT test changed several years ago so that the minimum requirements to play football in division I went up from 700 to 840. You might think: Rejoice, we have raised academic standards in athletics in college. The truth is, the test was recentered so that everybody's score was raised by 140 points at that level. I do not look at Senator KENNEDY's test scores and rejoice that we now have achieved the level we had in 1961. Can you imagine any other debate in America where people say: We have great success; we have equaled what America did in 1961.

I don't call that success. I call that failure. I call that failure because with all the resources we are spending, the fact that we have yet to achieve what we had achieved in 1961 is the greatest indictment of our education bureaucracy and a failed system that believes that Federal control and Federal money is the answer.

But I am not going to discuss that right now. I want to remind people of what has happened all day today here in the Senate. Our Democrat colleagues say they are for the H-1B program. They say they want to allow high-tech workers to come into the country to help us continue to dominate the world in high-tech jobs so that